

REMARKS

Claims 1-31 are pending. Claims 1-19, 21, 24, 25, 28, and 29 were previously withdrawn from consideration. In response to an election request pursuant to 35 U.S.C. § 121, Applicant provisionally elects without traverse to prosecute the invention of species drawn to a method of treating a pathology wherein the cancer is a solid tumor as claimed in amended claim 30.

Pursuant to 37 C.F.R. § 1.142(b), Applicant hereby withdraws claims 23 and 31 from consideration by the Examiner without prejudice as being drawn to a non-elected invention.

Applicant reserves the right to be entitled to consideration of species in withdrawn claims 23 and 31 as provided in 37 C.F.R. § 1.141. Applicant reserves all right to subsequently prosecute the subject matter of the withdrawn claims in divisional applications as set forth in 35 U.S.C. § 121.

Applicant has amended claims 23, 30, and 31 to correct typographical errors. No new matter has been added.

Conclusion

Applicant respectfully submits that the application and claims are in condition for allowance. Accordingly, reconsideration and allowance of all claims are respectfully requested.

Applicant would appreciate the courtesy of a telephone call should the Examiner have any questions or comments with respect to this response or the claim language for purposes of efficiently resolving same.

Serial No. 10/008,955

Amendment and Response to Election Requirement dated January 17, 2008

In Response to Election Requirement mailed December 19, 2007

The Commissioner is hereby authorized to charge Deposit Account No. 03-2026 for any fees associated with this Amendment and Response to Election Requirement.

Respectfully submitted,

By



Alicia M. Passerin
PTO Registration No. 54,363
Cohen & Grigsby, P.C.
11 Stanwix Street, 15th Floor
Pittsburgh, PA 15222-1319
(412) 297-4900

#1295640v1